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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,511	01/29/2004	Carl Arnold Koppel	SES-001-US	5963
7590 07/14/2006			EXAMINER	
PATRICK REILLY BOX 7218 SANTA CRUZ, CA 95061-7218			CAO, PHUONG THAO	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,511

Applicant(s)

KOPPEL ET AL.

Examiner

Phuong-Thao Cao

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2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Application filed on 01/29/2004.
2. Claims 1-10 are pending.

Drawings

3. The drawings are objected to because they fail to show necessary textual labels of features or symbols in Fig. 1 as described in the specification. For example, placing a label, "Computer Network", with element 2 of Fig. 1, would give the viewer necessary detail to fully understand this element at a glance. A descriptive textual label for each numbered element in these figures would be needed to better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be labeled in the drawing. Optionally, the applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.84(n)(o), recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible."

Claim Objections

4. Claims 5-8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Regarding claims 5-8, claims 5-8 depend on the “data structure of claim 1” while claim 1 is a “computer-readable medium having stored thereon a data structure” claim.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-10 are rejected for being non-functional descriptive material (a mere arrangement of data) which is defined as non-statutory based on the provisions of 35 U.S.C. § 101 in view of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, published on 26 October 2005, which can be found at

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf>, particularly with respect to ANNEX IV Computer-Related Nonstatutory Subject Matter, beginning on page 50.

Regarding claims 1-4 and 9, the “computer-readable medium” is not limited to tangible media in accordance with Applicant’s specification (see [page 27]), which states that it may be an acoustic or light wave, not in and of itself a tangible medium.

Regarding claim 10, claim 10 is directed to non-statutory as software per se. it is a “computer system” claim but cites no hardware limitation.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Millet et al. (Publication No US 2003/0154197).

As to claim 1, Millet et al. teach:

“A computer-readable medium having stored thereon a data structure, the data structure having first user-defined field, or first “UDF”, the first UDF associated with a record stored in a table” (see Abstract, [0040], [0048] and Fig. 13 wherein “Custom Field Values” data table is equivalent to Applicant’s “data structure” and each of its records is equivalent to Applicant’s “UDF”), the first UDF comprising:

“an identifier of the record” (see [0042], [0044], [0048], [0054] and Fig. 13 wherein “Row ID” is equivalent to Applicant’s claim language);

“an identifier of the first UDF” (see [0048] and Fig. 13 wherein “Field ID” is equivalent to Applicant’s claim language);

“a first datafield, whereby the first datafield is associated with the record and additional information may be stored in the first datafield and associated with the record and without modification of the table” (see [0048], Fig. 13 and Fig. 15 wherein “Value” or “FieldValue” datafield is equivalent to data field as illustrated in Applicant’s claim language; also see [0014] and [0061]).

As to claim 2, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Millet et al. teach:

“wherein the computer-readable medium further comprises a metadata, the metadata associated with the first UDF, and the metadata comprising a classification of data type, the classification of data type distinguishing the data type of the additional information stored in the

first datafield” (see [0048], [0056] and Fig. 10 wherein attribute information is equivalent to Applicant’s “metadata”, the type of data in the field is equivalent to Applicant’s “classification of data type”; also see [0041] and [0073]).

As to claim 3, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Millet et al. teach:

“wherein the computer-readable medium further comprises a metadata, the metadata associated with the first UDF, and the metadata comprising a name, the name associated with the first UDF and the name for use in software operations accessing the first UDF” (see [0048], [0056] and Fig. 10 wherein field attribute information store in “Custom Fields” table is equivalent to Applicant’s “metadata associated with the first UDF”, and field name such as “Memo” is associated with a custom field or UDF as illustrated in Applicant’s claim language; also see [0073]).

As to claim 4, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Millet et al. teach:

“wherein the computer-readable medium further comprises a metadata, the metadata associated with the first UDF, and the metadata comprising a title, the title associated with the first UDF and the name for use in a visual display of the additional information of the first UDF (see [0056] wherein field attribute information in “Custom Fields” table is equivalent to

Applicant's "metadata associated with the first UDF", and "text associated with that field" is equivalent to title as illustrated in Applicant's claim language).

As to claim 5, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Millet et al. teach:

"wherein the data structure further comprises a class plurality of UDF's and the first datafield comprises a class identifier of the class plurality of UDF's" (see [0048], Fig. 12 and Fig.15 wherein set of custom fields associated with each database table within the RDBMS is equivalent to Applicant's "a class plurality of UDF's", and "TableID" or "ValueID" is equivalent to Applicant's "class identifier") , and each UDF of the class plurality comprising:

"the class identifier" (see Fig. 10-12 wherein "TableID" is equivalent to Applicant's claim language);

"a unique identifier of the UDF of the class plurality of UDF's" (see Fig. 10 wherein "FieldID" is equivalent to Applicant's claim language).

"a datafield, whereby each datafield of the class plurality of UDF's may be associated with the first UDF and therefrom associated with the record, and information may be stored in the plurality of datafields of the class plurality of UDF's and associated with the first UDF's, and therefrom the information of the plurality of datafields of the class plurality of UDF's may be associated with the record and without modification of the table (see Fig. 10, and Fig 13 wherein records of table in Fig. 10 is equivalent to Applicant's "the class plurality of UDF's", each record of table in Fig. 13 is equivalent to Applicant's "first UDF", the "FieldID" in both table indicates

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the association between two table or the association between the class plurality of UDF's and the first UDF as in Applicant's claim language, the "RowID" in table of Fig. 13 indicates the associate between that table and the database table, or, in other words, the association between UDF and class plurality of UDF's with records in the database table as illustrated in Applicant's claim language; also see [0057]).

As to claim 6, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Millet et al. teach:

"wherein the data structure further comprises a plurality of UDF's" (see Fig. 15 and [0057] wherein "Custom Field Values" table is equivalent to Applicant's "data structure" and its records is equivalent to Applicant's "a plurality of UDF's"), each UDF comprising":

"an identifier of the first UDF" (see Fig. 15 wherein "FieldID" is equivalent to Applicant's claim language);

"a unique identifier of one of the plurality of UDF's" (see Fig. 5 wherein "ValueID" is equivalent to Applicant's claim language); and

"a datafield, whereby the plurality of datafields are associated with the first UDF and information may be stored in the plurality of datafields and associated with the first UDF and therefrom the information of the plurality of datafields may be associated with the record and without modification of the table" (see Fig. 5 and [0057]-[0058] wherein "RecordID" is equivalent to "datafield" as illustrated in Applicant's claim language since "RecordID" is a

primary/foreign key which allows connecting record to another record which includes plurality of datafields; also see [0046]).

As to claim 7, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Millet et al. teach:

“wherein the identifier of the record is a pointer” (see Fig. 13, [0048] and [0054] wherein “RowID” (equivalent to Applicant’s “the identifier of the record”) is also a pointer because it points to location of the record in the table).

As to claim 8, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Millet et al. teach:

“wherein the data structure further comprises a plurality of user defined fields, or plurality of “UDF’s”, each UDF associated with a record stored in a table” (Fig. 15 and [0057] wherein “Custom Field Values” table is equivalent to Applicant’s “data structure” and its records is equivalent to Applicant’s “a plurality of UDF’s”), each UDF comprising”:

“an identifier of the record” (see Fig. 15 wherein “RecordID” is equivalent to Applicant’s claim language);

“a unique identifier of one of the plurality of UDF’s” (see Fig. 5 wherein “FieldID” is equivalent to Applicant’s claim language); and

“a datafield, whereby the plurality of datafields are associated with the record and information may be stored in the plurality of datafields and associated with the first UDF and therefrom the information of the plurality of datafields may be associated with the record and without modification of the table” (see Fig. 5 and [0057]-[0058] wherein “ValueID” is equivalent to “datafield” as illustrated in Applicant’s claim language since “ValueID” is a primary/foreign key which allows connecting record to another record which includes plurality of datafields; also see [0046]).

As to claim 9, Millet et al. teach:

“A computer-readable medium having stored thereon a data structure, the data structure having a record, a list and a list user-defined field, or List “UDF”, the List UDF relatable to the record” (see [0041], [0048] and Fig. 15 wherein a table is a list of records, and any custom field associated with the table is equivalent to Applicant’s “list user-defined field”), and the List UDF comprising:

“an identifier of the List UDF” (see Fig. 10 wherein “FieldID” is equivalent to Applicant’s claim language);

“an identifier of the List” (see Fig. 10 wherein “TableID” is equivalent to Applicant’s “claim language”); and

“a data address of the List, whereby an information stored at the data address of the List is associated with the List UDF and the information may be stored or modified at the data address of the list and the information may be associated with the record and without modification of the table” (see [0073] and [0074] wherein the second values table as disclosed is

equivalent to the List and the disclosure of retrieval of information from the table implies the inclusion of some data address to access table from its storage).

As to claim 10, Millet et al. teach:

“A computer system” (see Abstract) comprising:

“a software database having data organized into a table of records” (see [0041]);

“a user-defined field for associating a datum with a record of the table, the user defined field having a UDF identifier and a record identifier” (see [0048], [0073] and Fig. 13 and 15 wherein “FieldID” is equivalent to Applicant’s “UDF identifier”, and “RowID” or “RecordID” is equivalent to Applicant’s “record identifier”);

“a metadata associated with the user-defined field and the metadata specifying the data type of the datum” (see [0056] and Fig. 10 wherein field attribute information is equivalent to metadata as illustrated in Applicant’s claim language); and

“a database manager software program for merging the user-defined field with the record to associate the datum of the user-defined field with the record of the table” (see [0061] wherein the application allowing user to add data column as necessary as disclosed is equivalent to Applicant’s “database manager software program”).

9. The prior art made of record and not relied upon is considered pertinent to applicant’s disclosure.

Hack (Publication No US 2003/0200223) teaches a system and method for storing a composite table of data and providing an ability to dynamically add fields to an original data table without changing the definition of the original table.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC

June 30, 2006


Primary Examiner
Art Unit 2167